Children in custody in Brazil

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15 years after Brazil adopted one of Latin America’s most progressive juvenile justice laws, substantially reflecting the guarantees contained in the UN Convention on the Rights of the Child (CRC), the country’s juvenile detention centres continue to be grossly deficient. Many facilities are decaying, filthy, and dangerously overcrowded, failing to meet basic standards of health and hygiene (see, for example, CRC Articles 37 and 40). Beatings are common, and most complaints of ill-treatment are never investigated by state detention authorities. Human Rights Watch has inspected 23 juvenile detention centres in the Brazilian states of Amapá, Amazonas, Maranhão, Pará, Rio de Janeiro, and Rondônia, and has undertaken preliminary research on detention conditions in São Paulo.1–3

About 12 400 young people aged 12–21 years were in Brazil’s juvenile detention system as of January, 2004, the federal ministry of justice reported. Of that total, 2800 were in pretrial detention.4 Under Brazil’s Statute of the Child and Adolescent, detention for a maximum of 3 years is the most serious of six possible juvenile dispositions; other possible sentences include warnings, probation, and placement in facilities similar to halfway houses. Reflecting international standards, the Statute provides that detention should be used only as a measure of last resort, and then only for the shortest time necessary for rehabilitation.

In practice, detention is often the first resort for judges involved in the sentencing of young people. In early 2005, when Rio de Janeiro’s juvenile detention centres held about 800 youths, Human Rights Watch noted that at least 148 were held for non-violent offences; most of the rest were detained for robbery, an aggravated version of theft. Few individuals were held for very serious violent offences, such as murder or rape. This finding is not surprising. A common misconception in both industrialised and developing countries is that juvenile offenders are largely responsible for violent crime, even though such crimes are overwhelmingly committed by adults. In Rio de Janeiro, for example, individuals younger than age 18 years were responsible for less than 1% of homicides in each of 2003 and 2004 and for 1·5–3·6% of robberies by threat or force in 2003.5

The rehabilitative purpose of detention is rarely realised. In many detention facilities, in fact, youths do not routinely receive an education. In the northern states of Pará and Amazonas, for example, several facilities offered no schooling whatsoever at the time of our visits in 2002. In Rio de Janeiro, two detention centres suspended classes for much of early 2005 because of staff shortages. Few juvenile detention centres have the resources to provide vocational training and other programmes that would assist young people to assume productive roles in society on their release.

Moreover, detention entails great health and safety risks, the most obvious of which is physical trauma, resulting from corporal punishment. In Rio de Janeiro, for instance, guards administer forceful open-handed blows to youths for petty infractions, such as not keeping one’s head bowed or hands behind one’s back when outside the cells. Some guards also beat youths with pieces of wood, which they grotesquely nickname after television cartoon characters or local pop stars. Beatings are generally administered so that bruises are left in areas usually covered by clothing, with young people often prohibited from lifting their shirts during visiting hours.

Detention centres in Rio de Janeiro, Rondônia, and São Paulo are severely overcrowded; young offenders often share mattresses or sleep on rat-infested floors. In May, 2005, for example, the Padre Severino and Belford Roxo detention centres in Rio de Janeiro each held in excess of 175% of their rated capacity. Furthermore, capacity figures are notoriously easy to manipulate. In the case of Santo Expedito, the rated capacity includes cell blocks that have been converted to other uses. After inspection of the facility, we estimated that it held at least 230% of its true capacity on the day of our visit, rather than the 124% indicated by official numbers.

At night, youths in some centres are forced to defecate and urinate in plastic jugs because guards will not let them out of their cells to use the toilets. They may not be able to bathe for several days at a time. Detention centres report shortages of soap and toiletries. Cell blocks often have standing water on the floor. In some facilities, youths wear a single change of clothing for up to a week before it is washed, as the mother of a detained youth described:

“This problem has been going on for 9 years. Their clothing takes on a revolting smell. They stay in those clothes. They sweat. They stay in dirty rooms, a lot in each room. They start to reek. So the guards call them: ‘You stinking bunch, you filth’”

Rio de Janeiro, May 20, 2005

Overcrowded and unhygienic conditions are a source of tension among the detainees and allow for the easy spread of scabies and other contagious diseases. When we toured Rio de Janeiro’s detention centres in 2003, children complained of skin rashes and severe itching. Many showed us large, red, pimple-like spots on their arms and legs; others had crusty patches spread over their bodies. One health-care worker told us:

“This problem has been going on for 9 years”.

Rio de Janeiro, Aug 1, 2003
Scabies is treatable with medications that are readily available in Brazil, but detention centres do not generally provide young people who contract the disease with the ointments necessary. An official from Belford Roxo detention centre told us:

“The family members have to buy whatever prescription medications they need”

_Rio de Janeiro, July 28, 2003_

Indeed, substandard medical care is the norm, particularly for girls, who often do not receive routine gynaecological examinations or adequate prenatal and postnatal care. Mental-health care is a problem in all centres.

Poor detention conditions and enforced idleness have prompted riots. In São Paulo, for example, youths in the Tatuapé detention centre rebelled in February, 2005, in response to rumours that they would be confined to their cells during the week of Carnaval; in March, youths in the Raposo Tavares detention centre rioted to protest mistreatment by guards. And in Pará, Human Rights Watch noted that abusive conditions were a factor in juvenile detention centre disturbances in early 2003.

The risk of contagious diseases such as scabies would be substantially reduced if detention centres met minimum standards of cleanliness and provided youths with toiletries and regular opportunities to bathe. The critical shortage of general and specialist medical staff, including mental-health professionals, should also be remedied. The medical community as a whole could do more to support the work of its colleagues in the juvenile detention centres and to advocate for needed funding and reform.

More generally, beatings and other cruel and degrading treatments are the product of a systemic lack of accountability. In recognition of this fact, international standards call for independent, objective monitoring of juvenile detention centres as an essential safeguard against abuses in detention. Regular, guaranteed access to juvenile detention facilities by a variety of outside monitors—public defenders, prosecutors, judges, national and international human rights groups, legislative commissions, and even local medical associations—can play an immensely positive part in preventing or reducing to a minimum human rights abuses.

In the 16 years since its adoption by the General Assembly, the CRC has been a valuable advocacy tool for members of civil society who work for the rights of detained children in Brazil. Youth criminality continues to be a contentious subject in Brazil, particularly in Rio de Janeiro, but the standards embodied in the Convention have been a unifying force in the reform movement, serving as the rallying point for groups as varied as associations of mothers of detained children to legislative human rights commissions.

The efforts of committed individuals, including some working from within the juvenile justice system, have begun to have a positive effect. A handful of new, small centres have been established in São Paulo, Belo Horizonte, Pará, and other states. Some state systems, including São Paulo’s, have begun to integrate civil society in their management and oversight. Such successes have been limited in scope and often pale next to the serious abuses that remain the order of the day in most juvenile detention centres (panel), but these and other reforms are proving that juvenile detention is most functional when it is founded on a respect for the rights outlined in the CRC.

**Conflict of interest statement**

We declare that we have no conflict of interest.

**References**


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**Panel: First-hand accounts of custody in Brazil**

“...They beat us with that, too.”

_André S, held in Padre Severino in 2004, age 17 years_

“One day just a while ago they locked us all down here. They beat everybody, everybody from the section. They stopped only when some people took the blame . . . All the same, we stayed locked up all day in a room without water, without food, without anything. There were about fourteen of us.”

_Marcos G, held in Rio’s Santo Expedito Detention Center in 2005, age 17 years_

“Now it’s okay because we have, what, twenty [girls] here, so we have a bed for everybody. It’s tough when there are fifty or sixty. Then we have to put two to a bed or even some on the floor.”

_A guard in Santos Dumont, Rio’s girls’ detention center, May, 2005_